

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)
) **ORDER FOR DEFENDANT TO**
Plaintiff,) **REPORT TO UNITED STATES**
) **MARSHAL UPON RELEASE**
vs.) **FROM STATE CUSTODY**
)
Preston Lee Cavanaugh,)
)
Defendant.) Case No. 4:14-cr-051

On December 2, 2014, the court issued an order granting defendant Preston Lee Cavanaugh's motion for release from custody and imposing a number of release conditions, including the condition that defendant reside at the Bismarck Transition Center ("BTC") in Bismarck, North Dakota. The order directed the United States Marshal to transport defendant to BTC on the next available transport on which space was available. The court was subsequently advised that no Marshal's transport was scheduled during the time which BTC would have space available. On December 10, 2014, the court ordered defendant released to a third party for transport to BTC.

The court has been advised that defendant was not released because defendant is the subject of an active Burleigh County warrant and a detainer has been filed. The court has further been advised that Burleigh County intends to execute its warrant.

Under these circumstances, the court is uncertain when defendant will be released from state custody and whether space will be available at BTC or another residential facility at that time. Accordingly, upon release from state custody, defendant is **ORDERED** to surrender to the United States Marshal for temporary detention. The court will then determine whether placement at a residential facility is an option and whether release to the community would be an appropriate

alternative.

Dated this 11th day of December, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court